

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MALIBU MEDIA, LLC, :
: :
: Plaintiff, :
: :
-v- : 18-CV-10956 (JMF)
: :
JOHN DOE subscriber assigned IP address : ORDER TO SHOW CAUSE
72.229.110.129, :
: :
: Defendant. :
: :
----- X -----

JESSE M. FURMAN, United States District Judge:

It is hereby ORDERED that Plaintiff show cause in writing by **March 12, 2019**, why its complaint should not be dismissed for failure to state a claim upon which relief can be granted — specifically, for failure to allege that registration or preregistration of the copyright claims at issue had “been made” prior to the filing of this action. 17 U.S.C. § 411(a); *see Fourth Estate Pub. Benefit Corp. v. Wall-Street.com, LLC*, No. 17-571, 2019 WL 1005829 (U.S. Mar. 4, 2019). If Plaintiff fails to show good cause, or does not file anything by that date, the Court may dismiss this action without further notice to Plaintiff. *See Thomas v. Scully*, 943 F.3d 259, 260 (2d Cir. 1991) (providing that, so long as it gives the plaintiff “an opportunity to be heard,” a “district court has the power to dismiss a complaint sua sponte for failure to state a claim on which relief can be granted”).

SO ORDERED.

Dated: March 6, 2019
New York, New York

~~JESSE M. FURMAN~~
United States District Judge